

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HENRY PEREZ,
Plaintiff,

v.

HEATHER DIAZ, *et al.*,
Defendants.

1:24-cv-00845-EPG (PC)

ORDER VACATING PREVIOUS COURT
ORDER DENYING, WITHOUT PREJUDICE,
PLAINTIFF'S APPLICATION TO PROCEED
IN FORMA PAUPERIS (IFP)

AND

ORDER DIRECTING PLAINTIFF TO
SUPPLEMENT HIS IFP APPLICATION

(ECF No. 2)

THIRTY DAY DEADLINE

Plaintiff is confined at Kern County AES Center and is proceeding *pro se* in this civil action. Plaintiff has not paid the \$405.00 filing fee but has submitted an application to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915. (ECF No. 2). However, the IFP application is not fully completed. Specifically, the portion of the IFP form, requiring an officer at the place of Plaintiff's incarceration to certify Plaintiff's account balance and to provide a certified copy of the trust account statement showing transactions for the past six months, has not been completed. (*Id.* at 2). In addition, in the same application, Plaintiff states that he contributes \$200 per month to support his son, while denying any sources of income or cash savings.

The Court previously denied Plaintiff's motion to proceed IFP without prejudice. (ECF No. 4). The Court now vacates that Order, and orders Plaintiff to supplement his motion instead.

Accordingly, **IT IS ORDERED** as follows:

1. Court's Order (ECF No. 4) denying Plaintiff's IFP application (ECF No. 2) without prejudice is **VACATED**.
2. The Clerk of Court is directed to send Plaintiff, along with this order, a copy of his IFP application filed with this Court. (ECF No. 2).
3. Within 30 days of the date of service of this order, Plaintiff shall submit his IFP application, completed and signed in full, and including the trust account certification and providing a certified trust account statement showing transactions for the past six months. Plaintiff should also explain how he is providing support for his son in the amount of \$200 per month without any sources of income or savings.
4. If Plaintiff believes he cannot provide that information, he should file a notice along with his IFP application, explaining the efforts he has made to have the appropriate officer at AES provide the required information and the AES response.
5. Alternatively, Plaintiff may pay the \$405.00 filing fee for this action.
6. **No requests for extension will be granted without a showing of good cause.**
Failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED.

Dated: September 10, 2024

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE